



**MCDOWELL SONORAN PRESERVE COMMISSION
7447 E. INDIAN SCHOOL ROAD
ONE CIVIC CENTER- 3RD FLOOR
SCOTTSDALE, ARIZONA 85251**

**THURSDAY, SEPTEMBER 7, 2006
5:00PM**

DRAFT MEETING MINUTES

PRESENT: Art DeCabooter, Chairman
Erik Filsinger, Commissioner
Joan Fudala, Commissioner
Melinda Gulick, Commissioner
Gerry Miller, Commissioner
Linda Whitehead, Commissioner
Virginia Korte, Commissioner
Arnold Roy, Commissioner
Rand Hubbell, Commissioner

ABSENT: Solange Whitehead, Commissioner

STAFF: Don Meserve, Preservation Planner
Clair Miller, McDowell Sonoran Preserve Manager
Scott Hamilton, Trails Planner
Lisa Gurtler, Financial Services
Cathy O'Connor Carlisle, Economic Vitality

ALSO PRESENT: Jim Lane, Councilman (arrived 5:25)
Carla
Bernard Freese
Lesley Wright
Shanna Hogan

1. CALL TO ORDER AND INTRODUCTIONS

Chairman DeCabooter called the meeting to order at 5:03 p.m.

Chairman DeCabooter announced the resignation of Carla and shared with the Commission the resignation letter she sent to the Mayor, which indicated a conflict with the new Ethics Code as the reason for her resignation.

Chairman DeCabooter requested that Carla provide input on the Joint Committee's report; recognizing that she was no longer a member of the Commission. It was decided that she would provide her report on State Land reform first.

2. **Approval of June 8, 2006, Meeting Minutes**

COMMISSIONER GULICK MOVED TO APPROVE THE JUNE 8, 2006 MINUTES. SECONDED BY COMMISSIONER FILSINGER, THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF NINE (9) TO ZERO (0).

4. **Update: State Land Reform**

Carla thanked all those that attended the kick-off party for "Yes on Prop 106." She distributed information comparing Prop 105 and Prop 106, and a fact sheet on Prop 106 which included a list of informational websites. One promotional event will be a bus tour across the state to visit key lands that would be protected in Prop 106, which is scheduled to kick off in the Valley on Monday, October 2nd. The tour will be attended by leaders from the education and business communities and elected officials; citizens are welcome to attend.

Carla mentioned one group that was formed in opposition to Prop 106 which is called Save Our Trust, funded by the Arizona Home Builders Association and the Arizona Cattlemen's Association. Save Our Trust is the same group promoting Prop 105; however she noted that they are spending most of their energy bashing Prop 106.

In response to a question by Commissioner Roy, Carla explained that the Arizona Education Association is firmly in support of Prop 106 and helped write it. The Arizona School Board Association has come out in opposition to Prop 106 and in favor of Prop 105. Carla opined that the Arizona School Board Association was opposed to Prop 106 because in rural areas most members belong to the Cattlemen's Association. This group is opposed to Prop 106 because they fear starting a domino effect that may affect their State Trust Land leasing rate.

Commissioner Gulick urged her fellow Commissioners to contact candidates in District 7 who are opposed to Prop 106 to discuss with them how important the proposition is to the City and the Preserve. She suggested inviting them to attend the bus tour. Carla added that candidates should realize that the majority of their constituents are in favor of Prop 106, noting that the majority of signatures to place this proposition on a state-wide ballot came from the northeast Valley in Maricopa County.

3. **Presentation/Discussion/Possible Action: Joint Committees' Report on Findings Regarding the Proposed Desert Discovery Center at the Gateway to the Preserve**

The Chair of the Promotion Committee Commissioner, Solange Whitehead was not present at the meeting. Therefore, Chairman DeCabooter asked past-Commissioner Carla to make a report as the past Planning Committee Chair and to answer questions about the report.

Carla inquired whether anyone had questions pertaining to the Joint Committee's Report, noting that discussions were being held regarding whether some things needed to be reevaluated; discussions so far have been in line with the issues identified.

In response to an inquiry by Commissioner Miller, Chairman DeCabooter stated that his goal for this agenda item would be for the Commission to forward an endorsement of the report to the City Council for inclusion and consideration in the business plan; the Commission will be reviewing the business plan as it is being developed. Carla noted that having the report officially endorsed by the Commission would help identify issues and questions.

**COMMISSIONER GULICK MOVED THAT THE COMMISSION OFFICIALLY
ENDORSE THE JOINT COMMITTEE REPORT ON THE PLANNED DESERT
DISCOVERY CENTER AT THE GATEWAY TO THE PRESERVE.
COMMISSIONER FUDALA SECONDED THE MOTION.**

Commissioner Miller opined that if the Commission was giving an endorsement, care should be taken with the wording to make sure it is consistent with the management objectives given in the City Codes. He felt that the answer to question six did not answer the question and that stronger wording should be used. Chairman DeCabooter suggested that Commissioner Miller's concerns could be relayed through the minutes.

In response to an inquiry by Carla regarding how the wording could be stronger, Commissioner Miller suggested that the wording include a suggestion that rules have been put aside that predominate over everything. Commissioner Miller clarified that the job of the TDC was to promote tourism and the job of the McDowell Sonoran Preserve Commission was to provide educational opportunities.

Carla stated that in the management objectives some wording existed about enhancing tourism. She queried whether the management objectives were in the City Charter. If items are being added to the Charter, Carla suggested adding the management objectives for the Preserve. Commissioner Korte opined that would be an inappropriate avenue.

Commissioner Korte noted that the Desert Discovery Committee was still forming the concept and agreed that including Commissioner Miller's concerns in the minutes would provide insight for the Committee. Commissioner Miller stated that he would ask that the Committee provide much stronger answers and that a very tough position be taken.

Commissioner Fudala opined that the question would be "What is being asked to be put into perpetuity?" Carla stated that on the first page it says the vision and management objectives for the Preserve are to be upheld and guide all decision-making for the Desert Discovery Center. She suggested "and for perpetuity" could be added.

In response to a comment by Commissioner Hubbell, Carla clarified that from the 1995 Preserve Access Report, the Desert Discovery Center has always been considered to be more of a commercial entity. Commissioner Fudala pointed out that it would be difficult to say more than has been said with the philosophy and guiding principles for the Preserve and the Gateway, because it is difficult to predict whether a commercial entity will be as envisioned in 40 or 50 years.

Commissioner Filsinger clarified that any exceptions would be reviewed and approved by the McDowell Sonoran Preserve Commission and forwarded to City Council, so there is a mechanism for keeping some oversight.

Commissioner Linda Whitehead commented that expressing that the management of the Desert Discovery Center must be consistent with the Preserve vision and management

objectives would be an all-encompassing umbrella statement. Carla added that the vision and management objectives are different from the Ordinance; the only thing that has not been included as far as limitation is in the verbiage within the footprint of the Desert Discovery Center. She noted that it needs to be made clear that things that are not consistent with the Ordinance may be within the footprint of the Desert Discovery Center, including its limited interpretive trails.

Commissioner Filsinger suggested that amending the document to add the statement made by Carla would send a signal to the subcommittee. Carla reviewed the statement: "the vision and management objectives for the Preserve are to be upheld and guide all of the decision-making for the Desert Discovery Center." She suggested the second sentence be "Limited exceptions should be approved to accommodate and augment the unique operational needs of the facility that may not be consistent with the Preserve Ordinance, but are only to occur within the footprint of the Desert Discovery Center."

**THE MOTION WAS AMENDED TO INCLUDE THE SUGGESTED WORDING.
THE MOTION PASSED UNANIMOUSLY BY A VOTE OF EIGHT (8) TO
ZERO (0). COMMISSIONER MILLER ABSTAINED.**

5. **Preserve Manager's Report**

Ms. Claire Miller, McDowell Sonoran Preserve Manager, reported that last-minute details were being completed on the Lost Dog Wash bridge as well as the restroom and the water fountain. She was hopeful that all would be up and running in time for McDowell Sonoran Month activities in October.

Ms. Miller mentioned that an Off-Highway Vehicle (OHV) enforcement detail day for the police department had been held in the northern area; she noted that there was interest and momentum. Another OHV enforcement detail day is planned for January. Ms. Miller mentioned that Officer Bill Yedowitz retired and there are several officers interested in replacing him.

Ms. Miller mentioned that many activities were planned for McDowell Sonoran month including Eagle Scout projects, a Preserve clean-up day, and the Windgate Equestrian event. The equestrian event will be staged from Pima and Dynamite.

Commissioner Linda Whitehead expressed her concern about motorized vehicles entering the Preserve from Pima and Dynamite, and from the east end of Stagecoach Pass Road or from the vicinity of Cave Creek and Bartlett Dam Roads. In response to her concerns, Ms. Miller stated that she would have special emphasis put on patrolling the Pima and Dynamite area for motorized vehicles. The City also continues to work with the Tonto National Forest District Ranger Station on off-road vehicle concerns. She noted that it had been troublesome trying to keep the signs up that say no motorized vehicles in the Preserve.

In response to a question by Commissioner Hubbell, Ms. Miller clarified that existing road scars would be used to access the trail for the equestrian event and that no new trails would be created for the event. Attendance has been limited to 12, so the impact should be small.

6. **Future Executive Session for McDowell Sonoran Preserve Commission**

MOTION TO HOLD AN EXECUTIVE SESSION ON SEPTEMBER 7, 2006, FOR THE PURPOSE OF DISCUSSION WITH REPRESENTATIVES OF THE PUBLIC BODY AND CONSULTATION WITH CITY ATTORNEY FOR LEGAL ADVICE TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATING FOR PURCHASE OR LEASE OF REAL PROPERTY FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE. ARS 38-431.03 (A) (3) AND (A) (7).

COMMISSIONER ROY MOVED FOR AN EXECUTIVE SESSION, IF NEEDED, AT THE NEXT MEETING ON OCTOBER 5TH. SECONDED BY COMMISSIONER FUDALA, THE MOTION CARRIED BY A VOTE OF NINE (9) TO ZERO (0).

7. **Commissioner Comments and Public Comments**

Chairman DeCabooter expressed appreciation and respect for Carla and the work she has done over the years. He noted that she will continue to stay the same force that she has always been even though she is no longer on the Commission. He noted that he would confer with Mr. Cafarella prior to appointing a new chair for the Planning Committee.

8. **Agenda Items for Future Meetings**

Commissioner Fudala mentioned that a subcommittee of the Historic Preservation Commission is thinking of doing something for archeology month in Arizona and doing something more with informing people about the Archeology Ordinance. She suggested a discussion on archeological resources in the Preserve and inquired whether there had been any involvement in the past. Mr. Meserve confirmed that there had been some joint archeology activities between the Preserve Commission and the Historic Preservation Commission in the past in the form of sponsoring speakers. He noted the interest on the part of the Historic Preservation Commission to promote and protect the archeological resources in the Preserve, and that having the commissions coordinate their efforts on promoting archaeology was a good idea.

ADJOURNMENT

With no further business to discuss, and no need for an executive session, the meeting adjourned at 5:40 p.m.

Respectfully submitted,
AV-Tronics, Inc.